

### **REMARKS**

Claims 9, 12-21, and 28-37 are pending. Claims 28 and 32 are currently amended. Claims 36 and 37 are new. Claims 1-8, 10, and 22-27 are previously cancelled. Claims 16 and 32 are the independent claims.

#### **Request for In-Person Interview:**

Should there be any outstanding matters that need to be resolved in the present application if it is not allowed, the Examiner is respectfully requested to contact Michael K. Mutter, Registration No.: 29,680, at telephone number (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application. Also filed herewith is a letter formally requesting an interview in this matter at Examiner's convenience.

#### **Claims Objections:**

Claim 32 was objected to regarding the limitation "the communication" in line 9. Applicants have appropriately amended Claim 32 such that the limitation reads as "a communication," thereby noting the proper antecedent basis. Accordingly, Applicants respectfully request that the objection be withdrawn.

Claim 28 was objected to regarding the limitation "the inductive data communication" in line 2. Applicants have appropriately amended Claim 28 as suggested by the Examiner such that the limitation reads as "communication." Accordingly, Applicants respectfully request that the objection be withdrawn.

**Rejections under 35 U.S.C. 103(a):**

**Regarding the Rejection of Claims 32-35 and 14:**

Claims 32-35 and 14 were rejected under 103(a) as obvious over Parks, et al. (U.S. Patent 5,455,466) [hereinafter “Parks”] in view of Garcia (U.S. Patent 5,963,012) [hereinafter “Garcia”]. Applicants respectfully traverse these rejections.

The cited prior art fails to teach or suggest all the elements of the claims, specifically a “communications unit . . . for receiving a polling message . . . and for transmitting a request for power message to the inductive source.” See, Claim 32. The Office Action acknowledges that Parks does not disclose “a communications unit” which includes circuitry for receiving a polling message” and “for transmitting a request for power message.”

Regarding the “polling” feature, the Office Action again cites Garcia as teaching or suggesting polling. See Office Action, page 3. Applicants respectfully disagree with this interpretation of Garcia.

Garcia expressly teaches that there is a “wireless communication module” operating “continuously” to check the battery channel to determine if a battery pack is close to the charger. Se, Garcia, Col. 2, lines 9-12, stating: “while the battery charger 12 sits idle, a wireless communications module 24 continuously interrogates the wireless channel 32 to determine if a battery pack 14 is proximately located to the charger.” (Emphasis added.) Garcia further reinforces the charger’s continuous operation, with an additional manual operation, stating: “The charger’s excitation circuit 314 preferably transmits a resonant frequency continuously however, the transmission can also occur under some form of external control, such as a button press on the charger.” See, Garcia, col. 3, lines 21-27 (emphasis added). Applicants respectfully submit that the manual “button” operation to turn the charger on also does not teach or suggest “periodic” polling.

Applicants again stress that the feature of “polling” is clearly disclosed in the application as a periodic signaling process. See, Disclosure, paragraph [41], stating: “In a polling operation,

power transmission coil 312 can be energized and de-energized in a regular periodic fashion. For example, the energizing and de-energizing period range between any appropriate value, such as 100-100 msec. or 1-60 sec. Nevertheless, other time values are possible. Advantageously, this periodic arrangement can conserve energy.” This is not a special definition. To the contrary, one of ordinary skill in the art at the time of the invention would have understood the term “poll” or “polling” to be a periodic signal, and not a continuous one. See, Microsoft Computer Dictionary, 5th edition, Microsoft Press, 2002, definition of “autopolling,” stating as follows: “[T]he process of periodic determining the status of each device in a set so that the active program can process the events generated by each device, such as whether a mouse button was pressed or whether new data is available at a serial port. ...also called: polling.” See also, “IEEE 100, The Authoritative Dictionary of IEEE Standards Terms,” IEEE Press, Seventh Edition, 2000, defining “polling” as follows: “A scheduling scheme whereby the local process periodically checks until the prespecified events (e.g., read, write) have occurred.”

Accordingly, Applicants respectfully submit that Garcia does not teach a “polling message” or “transmitting a request for power message.” As noted above, there is no polling taught or suggested in Garcia, merely a continuous signal.

Regarding “transmitting,” Applicants respectfully submit that is not taught or suggested by the prior art either. Once a battery is detected near the charger, by the continuous signal, the battery does not respond by “transmitting a request for power message,” as required in Claim 32. Rather, the battery in Garcia is merely “read” by the charger. As taught in Garcia, “When the battery 304 is brought within a predetermined distance of the charger 302, the magnetic flux signal 316 stimulates the battery coil 204 which in turn activates the proximity IC 202 to read the battery parameter through the battery sensors 206 as well as those held in memory 210.” See, Garcia, col. 3, lines 27-32 (emphasis added).

Whereas Garcia teaches a continuous signal, the present Application claims a periodic or polling signal. Whereas Garcia teaches a dumb passive battery where its condition is read by the charger, the present Application claims an active battery that actively transmits a request for

power message. Applicants respectfully submit that there is no teaching or suggestion in any of the cited art for the “communication unit” as claimed.

Applicants respectfully submit that Claims 33-35 and 14 are allowable at least based on the allowability of independent Claim 32 from which they depend.

Regarding the Rejections of Claims 9, 13, and 15:

Claims 9, 13, and 15 were rejected under 103(a) as obvious over Parks in view of Garcia and further in view of Stobbe (U.S. Patent 6,275,143) [hereinafter “Stobbe”]. Applicants respectfully traverse these rejections.

Applicants respectfully submit that Claims 9, 13, and 15 are allowable at least based on the allowability of independent Claim 32 from which they depend.

Regarding the Rejection of Claim 12:

Claim 12 was rejected under 103(a) as obvious over Parks in view of Garcia and further in view of Wendelrup, et al. (U.S. Patent 6,291,966) [hereinafter “Wendelrup”]. Applicants respectfully traverse this rejection.

Applicants respectfully submit that Claim 12 is allowable at least based on the allowability of independent Claim 32 from which it depends.

Regarding the Rejection of Claims 16, 17, and 21:

Claims 16, 17, and 21 were rejected under 103(a) as obvious over Garcia in view of Gosior, et al. (U.S. Patent Application Publication 2002/0159434) [hereinafter “Gosior”] in view of Stephens (U.S. Patent 5,734,254) [hereinafter “Stephens”] and further in view of Poletti (U.S. Patent Application Publication 2003/0155892) [hereinafter “Poletti”]. Applicants respectfully traverse these rejections.

The cited prior art fails to teach or suggest all the elements of the claims, specifically a “receiving a polling message” and “transmitting a request for power.” See, Claim 16.

Gosior is cited by the Office Action as teaching polling. See Gosior, paragraph [0122]. Applicants respectfully submit that the polling function in the Gosior patent application concerns the timing of peripheral devices in relation to their data downloads from the master device. Although polling by a computer is not a novel invention, Applicants respectfully submit that polling by an inductive energy supply device to initiate communication with a distant device to absorb that inductive energy for the purpose of avoiding unwanted flux is, in fact, new, useful, and non-obvious.

Further, Applicants respectfully submit that within the context of the use of “polling” in Gosior, a different function is intended. Specifically, Gosior uses a “polling” function to a method to coordinate data exchange between a base transceiver and a plurality of slave transceivers. This application of a “polling” function was known to one of ordinary skill in the art at the time of the invention as a method of scheduling data transmission and acquisition, not as a way of seeking an apparatus in the vicinity of the polling device. Although the present Application and Gosior both use the term polling, they are describing the period signaling for different uses. There is no teaching or suggestion in Gosior, or any other cited prior art, to use the polling signal to detect whether a device is in range.

Applicants respectfully submit that Claims 17 and 21 are allowable at least based on the allowability of independent Claim 16 from which they depend.

Regarding the Rejection of Claim 18:

Claim 18 was rejected under 103(a) as obvious over Garcia in view of Gosior in view of Stephens and in view of Poletti and further in view of Stobbe. Applicants respectfully traverse this rejection.

Applicants respectfully submit that Claim 18 is allowable at least based on the allowability of independent Claim 16 from which it depends.

Regarding the Rejection of Claim 19:

Claim 19 was rejected under 103(a) as obvious over Garcia in view of Gosior in view of Stephens and in view of Poletti and further in view of Parks. Applicants respectfully traverse this rejection.

Applicants respectfully submit that Claim 19 is allowable at least based on the allowability of independent Claim 16 from which it depends.

Regarding the Rejection of Claim 20:

Claim 20 was rejected under 103(a) as obvious over Garcia in view of Gosior in view of Stephens and in view of Poletti and further in view of Wendelrup. Applicants respectfully traverse this rejection.

Applicants respectfully submit that Claim 20 is allowable at least based on the allowability of independent Claim 16 from which it depends.

Regarding the Rejection of Claims 28-31:

Claims 28-31 were rejected under 103(a) as obvious over Parks in view of Garcia and further in view of Gosior. Applicants respectfully traverse these rejections.

Applicants respectfully submit that Claims 28-31 are allowable at least based on the allowability of independent Claim 32 from which they depend.

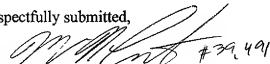
**Conclusion**

In view of the above amendment, Applicants believe the pending application is in condition for allowance. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael K. Mutter Reg. No. 28,680 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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